

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)ITEM # 1 Intercounty Collection of CalWORKs Overpayments and Food Stamps
Overissuances

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at public hearings to be held on December 17 and 18, 2002, as follows:

December 17, 2002

Community Care Licensing
1000 Corporate Center, Suite 605
Monterey Park, California

December 18, 2002

CDSS Office Building #9
744 P Street, Auditorium
Sacramento, California

The public hearings will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearings immediately following the completion of testimony presentations. The above-referenced facilities are accessible to persons with disabilities. If you are in need of a language interpreter at the hearings (including sign language), please notify the Department at least two weeks prior to the hearings.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on December 18, 2002.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearings, copies of the Final Statement of Reasons will be available from the office listed below.

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CHAPTERS

Manual of Policies and Procedures, Division 40 (Reception and Application), Chapter 40-100 (General), Sections 40-187 (Intercounty Transfer), 40-188 (Transfer Procedure) and 40-190 (County Responsibility; and Division 63 (Food Stamp Program), Chapter 63-800 (Corrective Actions), Section 63-801 (Claims Against Households).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulations will change the procedure by which CalWORKs cash aid overpayments are collected when recipients move from one county to another. Under current policy, when a CalWORKs recipient moves from County A to County B, County B is to collect any overpayments originating in County A and reimburse County A the amount collected. Discussions with county staff indicate that overpayments are not being collected by County B on behalf of County A. These proposed amendments would allow County B to retain any monies collected and the resulting incentive funds. This would serve as an incentive for counties to collect overpayments originated in another county, thereby increasing collections and reducing grant costs.

The proposed regulations will also change the procedure for the recovery of food stamp overissuances when recipients move to another county. Currently, when a recipient moves from County A to County B, County A initiates or continues an overissuance collection. If County A is unable to initiate an action, then County B initiates collection procedures and receives the resulting incentive. These amendments will, in all instances, require that County B initiate or continue the collection action until the overissuance is fully repaid or the recipient moves to a subsequent county. County B will report the collection and be entitled to any collection incentive.

These proposed amendments to the CalWORKs and Food Stamp program regulations would benefit the Department of Social Services through increased collections and CalWORKs grant cost savings. Counties will also benefit through increased overpayment collections, CalWORKs grant cost savings, and increased incentive funds.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on local school districts. There are no reimbursable state-mandated costs because these regulations make only technical and clarifying changes. The mandate does not require reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will, if anything, result in negligible costs.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is an impact on small businesses.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10053 and 10054, Welfare and Institutions Code. Subject regulations implement and make specific Section 11004, Welfare and Institutions Code; and 7 CFR 273.18.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

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